

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

BRUCE LEE CLAYTON,

Plaintiff,

v.

Case No. 3:15cv88  
(Groh)

WEST VIRGINIA DIVISION OF CORRECTIONS, et al.,

Defendants.

O R D E R

On July 23, 2015, Plaintiff, who was then incarcerated at the North Central Regional Jail, initiated this case pursuant to 42 U.S.C. § 1983. Plaintiff also filed a Motion/Application and Affidavit to Proceed Without Prepayment of Fees ("IFP"). On July 27, 2015, Plaintiff was granted leave to proceed IFP and on September 4, 2015, he completed payment of the required initial partial filing fee of \$16.33. On September 5, 2015, Plaintiff sent a Notice of Change of Address, which appeared to be a private address. Moreover, a search of the WV Regional Jail site and the WV Division of Corrections website indicates that Plaintiff is no longer in custody.

In DeBlasio v. Gilmore, 315 F.3d 396 (4th Cir. 2003), the United States Court of Appeals for the Fourth Circuit held that the requirements of the Prison Litigation Reform Act of 1995 ("PLRA"), including 28 U.S.C. § 1915(b)(1), do not apply to a released prisoner. Rather, "the obligation to pay filing fees is determined by evaluating whether [the plaintiff] qualifies under the general in

forma pauperis provision of 28 U.S.C. § 1915(a)(1)." Id.

In accordance with this precedent, Plaintiff is hereby **ORDERED** to complete and file an updated Application to Proceed Without Prepayment of Fees and Affidavit within fourteen days of entry of this Order. The Clerk is directed to mail a blank non-prisoner IFP Affidavit, as well as a copy of this Order, to Plaintiff, by certified mail, return receipt requested to his last known address as reflected on the docket sheet. Plaintiff is advised that **failure to comply** with this Order within the allotted time may result in this matter being dismissed.

ENTER: December 4, 2015.

*/s Robert W. Trumble*

ROBERT W. TRUMBLE  
UNITED STATES MAGISTRATE JUDGE